1 2 3 4 5 6 7 8 9 10 11	Stephen A. Swedlow (admitted pro hac vice) stephenswedlow@quinnemanuel.com QUINN EMANUEL URQUHART & SULLIVAN, LLI 191 N. Wacker Drive, Suite 2700 Chicago, IL 60606-1881 (312) 705-7400  Kevin Y. Teruya (Bar No. 235916) kevinteruya@quinnemanuel.com Adam B. Wolfson (Bar No. 262125) adamwolfson@quinnemanuel.com Brantley I. Pepperman (Bar No. 322057) brantleypepperman@quinnemanuel.com QUINN EMANUEL URQUHART & SULLIVAN, LLI 865 South Figueroa Street, 10th Floor Los Angeles, CA 90017-2543 (213) 443-3000  Attorneys for the Klein Plaintiffs	jason.ethridge@kellerlenkner.com KELLER LENKNER LLC 1300 I Street, N.W., Suite 400E Washington, DC 20005 (202) 918-1123  Ashley Keller (admitted pro hac vice) ack@kellerlenkner.com Benjamin Whiting (admitted pro hac vice)	
12	UNITED STATES DISTRICT COURT		
13	NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION		
14	MAXIMILIAN KLEIN and SARAH	Case No. 5:20-cv-08570-LHK	
15	GRABERT, individually and on behalf of all others similarly situated,	Hon. Lucy H, Koh	
16	Plaintiffs,	[PROPOSED] ORDER GRANTING <i>KLEIN</i> PLAINTIFFS' APPLICATION TO	
17	vs.	APPOINT QUINN EMANUEL URQUHART & SULLIVAN, LLP AND KELLER	
18	νσ.	LENKNER LLC AS INTERIM CO-LEAD	
19	FACEBOOK, INC., a Delaware corporation headquartered in California,	COUNSEL FOR THE USER CLASS	
20			
21	Defendant.		
22			
23			
24			
25			
26			
27			
28			

## [PROPOSED] ORDER

On March 5, 2021, Plaintiffs Maximilian Klein and Sarah Grabert ("the *Klein* Plaintiffs") submitted an application to appoint Stephen A. Swedlow, Warren Postman, and their respective firms—Quinn Emanuel Urquhart & Sullivan, LLP and Keller Lenkner LLC—as interim Co-Lead Counsel for the User Class. The Court held a hearing on March 18, 2021.

Having considered the *Klein* Plaintiffs' application, the record, the arguments of counsel, and the relevant authorities, the Court **ORDERS** as follows:

- 1. The Court **APPOINTS** Stephen A. Swedlow and Warren Postman as Interim Co-Lead User Class Counsel pursuant to Federal Rule of Civil Procedure 23(g)(3).
- 2. Co-Lead User Class Counsel shall be generally responsible for coordinating the activities of the User Class during pretrial proceedings and shall:
  - Determine and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of the User Class on all matters arising during pretrial proceedings;
  - b. Coordinate the initiation and conducting of discovery on behalf of the User Class, consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;
  - c. Conduct settlement negotiations on behalf of the User Class, but not enter binding agreements except to the extent expressly authorized;
  - d. Delegate specific tasks to other counsel or committees of counsel, as authorized by the Court, in a manner to ensure that pretrial preparation for the User Class is conducted efficiently and effectively;
  - e. Enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
  - f. Prepare and distribute periodic status reports to the parties;

28

27

1	g.	Maintain adequate time and disbursement records covering services as lead	
2		counsel, including: (i) performing a monthly review of all billing records for	
3		all staff, consultants, experts, and attorneys performing work on behalf of the	
4		User Class, striking duplicative or inefficient billing, (ii) requiring that all	
5		billing be by task and that such billing be contemporaneous, meaning that	
6		billing for each task will be recorded within 7 days of the task; and (iii)	
7		ensuring that only those law firms that the Court has previously authorized will	
8		perform work on behalf of the User Class and obtaining approval from the	
9		Court should the assistance of additional firms be required;	
10	h.	Performing such other duties as may be incidental to proper coordination of the	
11		User Class's pretrial activities or authorized by further order of the Court.	
12			
13	IT IS SO ORDERED.		
14	Dated: March	2021	
15	Dated. Water	Hon. Lucy H. Koh United States District Judge	
16		Officed States District Judge	
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
	1		

28